



I.

Plaintiffs filed this cause on June 7, 1994. Defendants received notice of this suit on June 13, 1994, when counsel for Plaintiffs mailed to Defendants' registered agents copies of a transmittal letter to the Court dated June 7, 1994, attached to which were several preliminary motions filed by Plaintiffs.

II.

This careless manner of service of process is both improper and ineffective under the Texas Rules of Civil Procedure and must be quashed. Plaintiffs failed to serve citation or a copy of Plaintiffs' Original Petition on Defendants as required by the Texas Rules of Civil Procedure. Moreover, under Texas law, counsel for Plaintiffs are precluded from serving process on Defendants. As this manner of service of citation is wholly deficient, this Motion to Quash should be sustained as a matter of law.

III.


ORIGINAL ANSWER OF DEFENDANTS  
(SUBJECT TO MOTION TO QUASH)

This Original Answer of Defendants is filed subject to and without waiving Defendants' Motion to Quash. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants generally deny each and every allegation made by Plaintiffs and demand strict proof thereof by a preponderance of the evidence as required by law.

WHEREFORE, Defendants pray that the Court sustain this Motion to Quash and enter an order quashing service of process. Subject to Defendants' Motion to Quash, Defendants pray that Plaintiffs take nothing by reason of their claims and that Defendants

recover their costs of suit and further relief to which they may be entitled.

Respectfully submitted,



Robert T. Stewart  
State Bar No. 19218250  
JONES, DAY, REAVIS & POGUE  
301 Congress Avenue, Suite 1200  
Austin, Texas 78701  
Telephone: (512) 477-3939  
Facsimile: (512) 478-9127

William F. Seerden  
State Bar No. 17986000  
CULLEN, CARSNER, SEERDEN  
& CULLEN, L.L.P.  
119 S. Main  
P.O. Box 2938  
Victoria, Texas 77902-2938  
Telephone: (512) 573-6318  
Facsimile: (512) 573-2603

Lawrence A. Dio  
State Bar No. 05889000  
204 South Anne Street  
P.O. Box 165  
Port Lavaca, Texas 77979  
Telephone: (512) 552-2947  
Facsimile: (512) 552-9266

ATTORNEYS FOR DEFENDANTS FORMOSA  
PLASTICS CORPORATION, TEXAS; FORMOSA  
PLASTICS CORPORATION, AMERICA; FORMOSA  
PLASTICS DEVELOPMENT CORPORATION; NAN  
YA PLASTICS CORPORATION, AMERICA; NAN  
YA PLASTICS CORPORATION, U.S.A.;  
FORMOSA HYDROCARBONS COMPANY, INC.;  
and FORMOSA CHEMICALS & FIBRE  
CORPORATION, AMERICA